

### **REMARKS**

Reconsideration is respectfully requested in light of the foregoing Amendment and remarks that follow.

Claims 3-8 are before the Examiner. Claims 3 has been further amended to address points set forth in the Advisory Action. Claim 3 recites the argued characteristics. Support for the amendment appears in the specification as filed, in particular note page thirteen, last complete paragraph.

The objection to the specification has been considered. It appears that "A" in both instances are typos. It is clear that "H" was intended. Applicants will make the appropriate corrections upon an indication of allowable subject matter. It is respectfully requested that this requirement be held in abeyance until that time.

Claims 3, 4, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deller et al (5,776,240) in view of Mangold et al. (CA 2,223,377). It is noted that claim 9 has been cancelled. Applicants respectfully traverse.

The product according to the invention has the advantage that it can be worked into organic systems, e.g. polyester resin (see p. 13 of the specification) more rapidly and in a higher concentration. This advantage is not disclosed by Deller et al.

Further, Deller et al. disclose granules based on pyrogenically produced silicon dioxide, which shows a particle size of 10 to 120  $\mu\text{m}$ . These granules can be surface-modified. The principal utility mentioned by Deller et al. for the granules is as catalyst supports. Deller et al. mention the use of some pyrogenically produced silicas in column 6 as educts. There is no

disclosure or suggestion of the combination of a pyrogenically produced oxide doped by an aerosol and surface modification.

Mangold et al. disclose pyrogenically produced oxides doped by an aerosol. However, Mangold et al. do not disclose a surface modified pyrogenically produced oxides doped by an aerosol. While Mangold et al. do disclose a thickening effect, there is no suggestion or recognition of the advantage taught for applicants' product appearing on page 13 of the specification, e.g. higher concentrations and "rapidity" of work in.

The Examiner urges that it would be obvious to combine the surface treatment and the pyrogenically produced oxides doped by an aerosol and arrive at the product as claimed. The references on their face do not suggest their combination. Further, it is not clear if the references suggest that the benefits of each can be realized if the references are combined. Applicants' disclosure is not available as a reference in this regard.

It is respectfully submitted that a prima facie case has not been established. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3, 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Läufer et al. (4,022,152) in view of Mangold et al. (CA 2,223,377). Applicants respectfully traverse.

Läufer et al. (Example 1) disclose a pyrogenically produced silicon oxide treated with D<sub>4</sub> (octamethyltetrasiloxane). Läufer et al. do not disclose a surface modified pyrogenically produced oxide doped by an aerosol.

Mangold et al. disclose pyrogenically produced oxides doped by an aerosol. Mangold et al. do not disclose or suggest surface modification of its pyrogenically produced oxides doped by

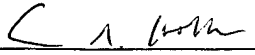
an aerosol. Mangold et al. do not disclose the advantages of applicants' product appearing on page 13 of the specification (higher concentrations and ease of dispersibility). These advantages are distinct from the thickening effect described by Mangold et al.

The Examiner's position is that it would be obvious to modify L  ufer et al. product by substituting a pyrogenic dioxide for silicon dioxide. It is not clear at the outset that the properties originally possessed by either Mangold et al.'s product or L  ufer et al. would be maintained in the proposed composite. Applicants' specification is not available as a reference in that regard.

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,

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